

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Physicians' offices pursuant to Section 1801.1.C.9B as a special exception in a DR-3.5 zone

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser:

(Type or Print Name)

Signature

Address

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 828-9441

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

City and State

Address

Phone No.

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of September, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of November, 1987, at 9:00 o'clock A.M.

J. P. Scott, Jr.
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING (1/2 HRS.) (over)
AVAILABLE FOR HEARING
NEXT TWO MONTHS
REVIEWED BY: CLK DATE 6/25/91

James M. Sowa, et ux
Case No. 88-172-X

that the Petition for Special Exception for physicians' offices pursuant to Section 1801.1.C.9B in a DR-3.5 zone is hereby GRANTED, subject to the following restrictions:

- There will be no signs of any type or size advertising the site as an M.D.'s office posted on the property.
- Appointments will be limited to the time between 9:00 A.M. and 4:00 P.M., Monday through Friday.
- For the convenience of his patients, suggested directions as to parking spaces and routes of exit from the neighborhood shall be posted by the physician within the confines of the office.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Harry E. Buchheit, Jr.

Arnold G. Foreman

IN THE MATTER OF
THE APPLICATION OF
JAMES M. SOWA, ET UX
FOR SPECIAL EXCEPTION
ON PROPERTY LOCATED ON THE
EAST SIDE SOUTHWICK DR., 160'
SOUTH OF CENTER LINE OF
SIBLEY RD. (917 SOUTHWICK DR.)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS

OF
BALTIMORE COUNTY

No. 88-172-X

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner dated December 10, 1987, denying the requested special exception for a physician's office in a DR-3.5 zone. The property is at 917 Southwick Drive in the 9th Election District of Baltimore County.

The facts as presented are as follows. The property is a split-level residence located several blocks within the Campus Hills subdivision of some 367 homes. The Petitioner has utilized his residence for providing medical services to patients with rheumatoid arthritis since 1985. Prior to utilizing the site for his office, the Petitioner checked with the Baltimore County Medical Board for authorization, but failed to inquire with anyone to determine if the use was proper under the Baltimore County Zoning Regulations, (BCZR). Protestants are concerned with the precedent this petition for a special exception will have if granted, and the effect of increased and congested parking and traffic.

James M. Sowa, Petitioner in this case, testified at length as to the manner in which he utilizes his property for his medical specialty of rheumatology. The ground level entrance area and room configuration are very appropriate for patients with ambulatory difficulties. Patients are promptly seen only by appointment, with no waiting. Off-street parking is available and convenient to the office entrance. Dr. Sowa gave testimony that in 1986-1987 he saw a daily average of six (6) patients over a five day week.

IN RE: PETITION FOR SPECIAL EXCEPTION
EXCEPTION
E/S Southwick Drive 160' so.
Of c/l of Sibley Road
(917 Southwick Drive)
9th Election District
4th Councilmanic District
James M. Sowa, et ux
petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-172-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to use the described property for physicians' offices pursuant to Section 1801.1.C.9B as a special exception use in a DR-3.5 zone, as more fully described on Petitioner's Exhibit 4.

The Petitioner was present and represented by Edward C. Covey, Jr., Esquire. The Petitioner appeared and testified and was supported in his testimony of Michael B. Dallas, Registered Surveyor and Barbara Lynch. The Protestants, Mr. Wayne Kempke, Mr. J. Clifford Curley and Mr. Edward P. Abendroth were represented by attorney, Keith E. Ronald, and they all testified.

The testimony indicates that the Petitioner has a presently operating two room doctor's office in the basement of his home located at 917 Southwick Drive, Towson, Maryland 21204. The subject property is a residential home in a community known as Campus Hills. Subject property is currently zoned DR-3.5 and the Petitioner has operated at this location since 1984 when he purchased the home. The Petitioner is a medical doctor in the exclusive practice of treating arthritic conditions and severe rheumatoid conditions. The Petitioner has one employee, a medical secretary, and most of his patients are elderly individuals and the appointments average approximately 1/2 hour

James M. Sowa, et ux
Case No. 88-172-X

Unlike other physicians, Dr. Sowa schedules and treats one patient at a time, as the primary treatment is counseling. The most number of patients scheduled on a day was twelve (12), never after 5:00 p.m. nor on weekends. Many of Dr. Sowa's patients are seen in metropolitan hospitals.

A number of witnesses testified in support of Petitioner's request for the special exception. Mrs. Ann Louise Fallin, an original resident of Campus Hills and an approximate neighbor, didn't know the residence was a physician's office despite many walks by the property. She observed no unusual vehicular movement.

Mr. Mark Berger testified as to his severe handicap prior to becoming Dr. Sowa's patient, and of his extraordinary improvement and ability to be active at the age of 68. Over his half dozen visits a year, Mr. Berger testified that there basically is no traffic on the street of subject property during visiting hours.

Other witnesses testified to the traffic-free street, promptness of the appointments, and modest aspects of Dr. Sowa's practice at the residence.

Counsel for the Protestants presented several witnesses who expressed concern for the increased problems of parking on Southwick Road and the potential for traffic congestion in the vicinity of the subject property.

Mrs. Nancy Oswald testified to the increase in traffic and parking needs as patients park on the street rather than the driveway spaces provided by the physician.

Mr. Clifford Curley observed the problem of handicapped drivers maneuvering the limited width of passage when cars are parking on both sides of the street at the location of the physician's residence.

each. The Petitioner sees a maximum of 12 people on a normal business day during the hours normally from 9:00 A.M. to 5:00 P.M.

Further testimony of the registered surveyor, Mr. Michael B. Dallas, a qualified expert, was to the effect that he had reviewed the subject request and the particular property in question and had determined that the property meets all of the conditions precedent of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Furthermore, it was his professional opinion that the parking was adequate for a maximum of three vehicles and that no additional off-street parking was necessary.

The Protestants testified that the operation of the medical offices in the residential community tended to adversely affect the residential neighborhood and the residential nature of the neighborhood. There was extensive concern over the amount of traffic created by the operation of medical offices on Southwick Road and the traffic congestion caused by vehicles making U turns at Sibley Road and Southwick Road. There was also extensive testimony about the additional street side parking caused by the use of a portion of this residence as a doctor's office.

The Campus Hills Community Association indicated its disapproval of the requested doctor's office by special exception. Testimony indicated that there was a desire to maintain the residential neighborhood in a strictly residential form and to prevent the ingress of additional commercial establishments. There was additional Protestant testimony concerning the lack of appropriate off-street parking and the congestion caused to the streets by the lack of off-street parking. Testimony was taken from some of the Protestants concerning the failure of the Petitioner to properly screen the property and to decrease the interference of the residential character of the neighborhood by this business operation.

James M. Sowa, et ux
Case No. 88-172-X

Mrs. James Abendroth expressed concern for young children in the vicinity being subject to potentially hazardous vehicular movement in a neighborhood reasonably void of traffic prior to Dr. Sowa.

Mr. C. W. Kempke testified as a property owner, stating concern for others wanting the same special exception, and approval that would lead to future requests.

The determining factor in granting a special exception in a DR-3.5 zone is the compliance with the regulations of all sections of 502.1 of the BCZR. The deciding factor in this case is the question of a tendency for the special exception to create congestion and traffic conditions detrimental to the safety of residents in the locale of the property.

From the testimony and evidence received, the Board is of the opinion that all sections of 502.1 are in compliance. An average of less than twelve cars traversing Southwick Drive during the time of the physician's office hours is insignificant. The general welfare is not diminished and in fact is enhanced by the benefits received by rheumatoid patients. We also note that the operation of this physician's office, in comparison to those of other M.D.'s, is less intrusive upon the community. In that each case must be judged on its own merits, we are therefore persuaded to grant the special exception, subject to restrictions, and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 8th day of June, 1988, by the County Board of Appeals, ORDERED

The Petitioner seeks relief pursuant to Section 502.1 of Section 1801.1.C.9B of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the requested special exception, as applied for, should not be granted. There is conflicting testimony as to impact of this proposed use upon the effected neighborhood and as to the congestion in the streets and alleys of the neighborhood. Furthermore, there is substantial issue raisals to the impact generated by the actual operation of this physician's office upon the general welfare of the community.

Therefore, I find that the Petitioner has not met his burden of adjuvcing testimony and evidence which tends to establish that the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. have, in fact, been complied with. Furthermore, I find that these standards have not been complied with during the actual operation of this physician's office in this particular neighborhood. Therefore, I also find that the operation is inconsistent with the spirit and intent of the Baltimore County Zoning Regulations and is harmful to the general welfare of the community.

Pursuant to the advertisement, posting of the property, the public hearing held, and it appearing that by reason of the requirements of Section 502.1 having not been met the relief requested must be denied and, therefore, the special exception should be denied.

WHEREFORE, it is ordered by the Zoning Commissioner of Baltimore County, this 27th day of November, 1987 that the Petition for Special Exception for a physician's office, pursuant to Section 1801.1.C.9B as a special exception use in the DR-3.5 zone be and is hereby DENIED.

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County that the physician's office shall be removed from the subject property on or before January 31, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER FOR
BALTIMORE COUNTY

JRH:mmm
cc: Peoples Counsel
cc: Keith E. Ronald, Esquire
cc: Wayne Kempke
cc: J. Clifford Curley
cc: Edward P. Abendroth

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting: 11/18/87
Filed for: Appeal
Petitioner: James M. Sowa, et al.
Location of Property: E/S Southwick Dr. 160' S of c/l of Sibley Rd.
Location of Sign: 917 Southwick Dr.
Remarks: See Petition for Special Exception
Signed by: *[Signature]*
Number of Signs: 1
Date of Return: 12/1/87

Mr. James Sowa
917 Southwick Drive
Towson, Maryland 21204

Re: Petition for Special Exception
Case No. 88-172-X

Dear Mr. Sowa:

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for a Special Exception has been DENIED.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES
ZONING COMMISSIONER

JRH:mmm
enclosure

THIS APPEAL
WAS ACCEPTED BY
THIS OFFICE IN

REQUEST SHOULD GO
TO THE CIRCUIT COURT.
DIRECT PMT TO
MR. FABER SENT
THROUGH JRH/MN/FINAXE

MR. FABER MAY
NEED THIS REQUEST
BACK - HOLD

52830

0000

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APPEAL

Case # 88-172-X
In the Matter of David
Sowa, M.D.
917 Southwick Drive

the decision set forth in the above-
arrance of Mark A. Faber, Esq., as
send all necessary correspondence,
ve address.
altimore County, Maryland" is attached

Thank you in advance for your cooperation in this matter.

Sincerely,
[Signature]
Mark A. Faber
Attorney for the Appellant

RECEIVED ZONING OFFICE
DATE: 12-7-87

January 7, 1988

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Exception
E/S Southwick Drive, 160' S of c/l of Sibley Road
(917 Southwick Drive)
9th Election District - 4th Councilmanic District
James M. Sowa, et ux - Petitioners
Case No. 88-172-X

Dear Board:

Please be advised that on January 5, 1988 an appeal of the decision rendered in the above-referenced case was filed by Edward C. Covaney, Jr., Attorney for Petitioner. All materials relative to the case are being forwarded to your office herewith. Please notify all parties to the case when a date and time for the appeal hearing has been scheduled.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

JRH:mmm
cc: Edward C. Covaney, Jr., Esquire, Attorney for Petitioner
614 Bosley Avenue, Towson, Maryland 21204

Keith Ronald, Esquire, Attorney for Protestants
408 Washington Avenue, Suite 314, Towson, Maryland 21204

People's Counsel

File

MICHAEL B. DALLAS
Registered Surveyor
SUITE 200
24 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204
494-0020

ZONING DESCRIPTION -- 917 SOUTHWICK DRIVE

BEGINNING for the same on the easternmost side of Southwick Drive (fifty feet wide) at the distance of 180.00 feet southerly from the intersection of said easternmost side of Southwick Drive and the centerline of Sibley Road (fifty feet wide), said point of beginning also being on the division line between Lots Numbers 9 and 10, Block "O", as shown on the Plat entitled, "Campus Hills, Sec. South-III-B", as recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 22 folio 83, thence leaving said Southwick Drive and binding on said division line between Lots Numbers 9 and 10 South 89 degrees 23 minutes 08 seconds East 77.91 feet to the common corner of Lots Numbers 9, 10 and 11 as shown on said Plat, thence binding on the division line between Lots Numbers 9 and 11 as shown on said Plat South 19 degrees 17 minutes 19 seconds East 116.09 feet to the common corner of Lots Numbers 8, 9, 11 and 12 as shown on said Plat, thence binding on the division line between Lots Numbers 8 and 9 as shown on said Plat North 89 degrees 23 minutes 08 seconds East 117.74 feet to the easternmost side of said Southwick Drive, thence binding said side of said Southwick Drive North 00 degrees 00 minutes 52 seconds East 110.00 feet to the place of beginning. The improvements thereon being known as No. 917 Southwick Drive.

BEING Lot Number 9 as shown on the Plat entitled, "Campus Hills, Sec. South-III-B", as recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 22 folio 83.

CONTAINING 10,760 square feet of land, more or less.

June 3, 1987



Request Notification: P. David Fields, Director of Planning
James Howell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk
[Signature]

CAMPUS HILLS COMMUNITY ASSOCIATION, INC.
MEETING OF THE BOARD OF DIRECTORS
November 5, 1987

A meeting of the Board of Directors of Campus Hills Community Association, Inc. was held at 712 Scarlett Drive in Towson, Maryland on Thursday, November 5, 1987, at 8:00 P.M., pursuant to notice.

In attendance were the number of directors legally sufficient to constitute a quorum, in accordance with the Bylaws of the Association. Rosemary M. Ranier served as Chairperson of the meeting and Mary Ann Tartal acted as Secretary thereof.

The Chairperson announced that the purpose of the meeting was to discuss the Petition for Special Exception filed by Dr. and Mrs. James Sowa of 918 Southwick Drive to permit a portion of their residence to be used as a medical office. The Petition, which has been assigned a Case Number 88-172-X, is scheduled for a hearing before the Zoning Commissioner of Baltimore County on Monday, November 9, at 9:00 A.M.

The Directors discussed the merits and disadvantages of the Petition. It was noted that Dr. Sowa has been operating a medical office from his home for some time and that this operation had already been the subject of a zoning violation proceeding. It was further noted that the operation of any portion of Dr. Sowa's house as a medical office constituted a violation of Section 1 of the restrictive covenants which were applicable to certain homes in the Campus Hills Community including Dr. Sowa's by that Agreement recorded among the Land Records of Baltimore County in Liber No. 3203, folio 226, which provides among other things, that "The lots herein mentioned and described shall be used for private, residential purposes only...".

Following additional discussion, the following Resolutions were duly made, seconded and unanimously adopted:

APPEAL

Petition for Special Exception
E/S Southwick Drive, 160' S of c/l of Sibley Road
(917 Southwick Drive)
9th Election District - 4th Councilmanic District
James M. Sowa, et ux - Petitioners
Case No. 88-172-X

Petition for Special Exception

Description of Property

Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1 - Color Photograph of Property (3 sheets)

2 - Calendar of Appointments

3 - Letter of support from Mrs. G. F. Langer dated June 18, 1987

4 - Plat of Property revised June 18, 1987

Protestant's Exhibits: 1 - Record Plat of Campus Hills Sec. South - III - B

2 - Copy of Minutes from Campus Hills Board Meeting dated November 5, 1987

3 - Letter of Opposition w/attachment from Mrs. Donna Horvath dated November 8, 1987

Zoning Commissioner's Order dated December 10, 1987

Letter of Appeal received January 5, 1988 from Edward C. Covaney, Jr., Esquire, Attorney for Petitioner

Edward C. Covaney, Jr., Esquire, Attorney for Petitioner
614 Bosley Avenue, Towson, Maryland 21204

Keith Ronald, Esquire, Attorney for Protestants
408 Washington Avenue, Suite 314, Towson, Maryland 21204

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Maryland 21204

"RESOLVED, that Campus Hills Community Association, Inc. hereby takes the formal position of opposing that Petition for Special Exception pending before the Office of the Baltimore County Zoning Commissioner in Case #88-172-X; and it is further

"RESOLVED, that Wayne Kempke is hereby authorized and directed to represent Campus Hills Community Association, Inc. at the public hearing to be held on Dr. Sowa's Petition on Monday, November 9, and testify on behalf of the Association in accordance with the foregoing Resolution."

There being no further business to come before the meeting, it was adjourned.

[Signature]
Mary Ann Tartal, Secretary

EXHIBIT 2

COVAHEY & BOOZER, P.A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK B. DEYAN
ANTHONY J. DIPALMA

December 29, 1987

REPLY TO:
ANNE ARUNDEL
SUITE 101
608 BALTIMORE AVE.
TOWSON, MD 21204
AREA CODE 301
828-9525

J. Robert Haines
Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: CASE NO.: 88172-X
JAMES SOWA, et ux.
PETITION FOR SPECIAL EXCEPTION

Dear Mr. Haines:
Please treat this letter as a request for an appeal of the decision entered by your office on December 10, 1987. I have enclosed herewith my attorney escrow check in the amount of \$115.00 to cover the cost of same.

Thank you for your cooperation in this matter.

Very truly yours,

Edward C. Covahay, Jr.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 33114

DATE: 1/6/88 ACCOUNT: 8-01-615-0000

AMOUNT: \$ 115.00

RECEIVED: Edward C. Covahay, Jr., Esquire, 614 Bosley Avenue, Towson, Maryland 21204

FOR: Appeal Filing & Filing Fee in Case No. 88-172-X
James M. Sowa, et ux
80634444110003 0002F

VALIDATION OR SIGNATURE OF CASHIER

JAN 5 1988
ZONING OFFICE

PETITIONER(S) EXHIBIT (1)

front view

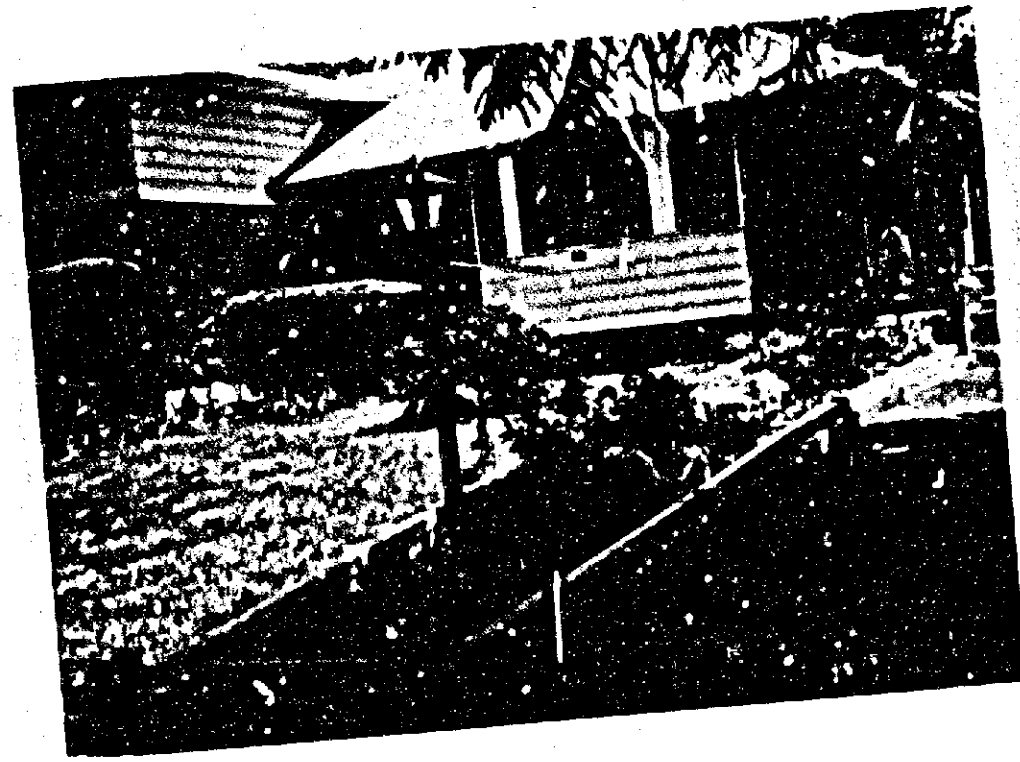


back view



PETITIONER(S) EXHIBIT (2)

Sign on property



PETITIONER(S) EXHIBIT (1)



1987	1	2	3	4	5	6	7	8	9	10	11	12
MON	1	2	3	4	5	6	7	8	9	10	11	12
TUE	2	3	4	5	6	7	8	9	10	11	12	1
WED	3	4	5	6	7	8	9	10	11	12	1	2
THU	4	5	6	7	8	9	10	11	12	1	2	3
FRI	5	6	7	8	9	10	11	12	1	2	3	4
SAT	6	7	8	9	10	11	12	1	2	3	4	5
SUN	7	8	9	10	11	12	1	2	3	4	5	6
1986	8	9	10	11	12	1	2	3	4	5	6	7
JAN	1	2	3	4	5	6	7	8	9	10	11	12
FEB	2	3	4	5	6	7	8	9	10	11	12	1
MAR	3	4	5	6	7	8	9	10	11	12	1	2
APR	4	5	6	7	8	9	10	11	12	1	2	3
MAY	5	6	7	8	9	10	11	12	1	2	3	4
JUN	6	7	8	9	10	11	12	1	2	3	4	5
JUL	7	8	9	10	11	12	1	2	3	4	5	6
AUG	8	9	10	11	12	1	2	3	4	5	6	7
SEP	9	10	11	12	1	2	3	4	5	6	7	8
OCT	10	11	12	1	2	3	4	5	6	7	8	9
NOV	11	12	1	2	3	4	5	6	7	8	9	10
DEC	12	1	2	3	4	5	6	7	8	9	10	11



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

J. ROBERT HAINES
ZONING COMMISSIONER

November 3, 1987

Edward C. Covahay, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
E/S Southwick Dr., 160' S of c/l of Sibley
Rd. (917 Southwick Dr.)
9th Election District - 4th Councilmanic District
James M. Sowa, et ux - Petitioners
Case No. 88-172-X

Dear Mr. Covahay:

This is to advise you that \$91.38 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to - Finance Room 112, County Office Building, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 37989

DATE: 11/3/87 ACCOUNT: 8-01-615-0000

AMOUNT: \$ 91.38

RECEIVED FROM: James M. Sowa, et ux

FOR: Petition for Special Exception

VALIDATION OR SIGNATURE OF CASHIER

Edward C. Covahay, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

October 5, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION
E/S Southwick Dr., 160' S of c/l of Sibley
Rd. (917 Southwick Dr.)
9th Election District - 4th Councilmanic District
James M. Sowa, et ux - Petitioners
Case No. 88-172-X

TIME: 9:00 a.m.

DATE: Monday, November 9, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

J. Robert Haines
Baltimore County
Zoning Commissioner

No. 37665

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 11/3/87 ACCOUNT: 8-01-615-0000

AMOUNT: \$ 100.00

RECEIVED FROM: James M. Sowa, et ux

FOR: Petition for Special Exception

VALIDATION OR SIGNATURE OF CASHIER

When we arrived for our appointment there has been no more than one car - and possibly no car parked there. He apparently arrived for his appointment very promptly. We have another physician, Dr. H. M. Ziemke, who has his office in the basement and is located nearby in a residential neighborhood.
Much high office rent - Most people have come out and many doctors believe due to excessive operating cost - it appears to be the best business to be closed to operate out of your home - if at all possible.
Sincerely,
J. Robert Haines
Baltimore County
Zoning Commissioner

10-20-87 Carl - Please File
Oct. 19 1987
RECEIVED
OCT 20 1987
ZONING OFFICE
Dr. Haines has been my physician since 1978. I am a Rheumatism sufferer. I have what is known medically as "Sjogren's". A condition derived from Rheumatism attacks - it can only be treated and not cured. Dr. Haines' office hours are in his private home. He is most pleasant and helpful. He has the average office building. Doctors and nurses often.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Posted for: J. Robert Haines
Petitioner: J. Robert Haines
Location of property: 917 Southwick Dr.
Location of Signs: 917 Southwick Dr.
Remarks: Petition for Special Exception
Posted by: J. Robert Haines
Date of return: 11/3/87
Number of Signs: 1

PETITION FOR SPECIAL EXCEPTION

9th Election District - 4th Councilmanic District
Case No. 88-172-X

LOCATION: East Side of Southwick Drive, 160 feet South of Centerline of Sibley Road (917 Southwick Drive)

DATE AND TIME: Monday, November 9, 1987, at 9:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for physicians' offices

Being the property of James M. Sowa, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commission
FROM: Norman E. Gerber, AICP
Director of Planning and Zoning

Date: October 22, 1987

SUBJECT: Zoning Petition No. 88-172-X

A County Review Group meeting is required. The plan must be revised to comply with the standards set forth in the Baltimore County Landscape Manual.

This office is opposed to the location of the proposed parking area. It is the closest area on the site to an adjacent residence. Further, it is too close to the property line to provide an area for landscaping.

Norman E. Gerber, AICP
Director

NEG:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
NOV 2 1987

ZONING OFFICE

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 3, 1987

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Edward C. Covahay, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Item No. 545 - Case No. 88-172-X
Petitioners: James M. Sowa, et ux
Petition for Special Exception

Dear Mr. Covahay:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the date of the enclosed petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, AICP
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Michael B. Dallas
24 W. Pennsylvania Avenue, Suite 200
Towson, Maryland 21204

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554



Dennis F. Rasmussen
County Engineer

July 29, 1987

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 545 -ZAC- Meeting of July 7, 1987
Property Owner: James M. Sowa, et ux
Location: E/S Southwick Drive, 160 feet
S centerline Sibley Road
D.R. 3.5
Existing Zoning: Special Exception for a physician's
Proposed Zoning: office
Area: 10760 square feet
District: 9th Election District

Dear Mr. Jablon:

The site plan should be revised to provide for off-street parking.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

July 14, 1987

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: James M. Sowa, et ux

Location: E/S Southwick Dr., 160' S. c/l Sibley Rd.

Item No.: 545 Zoning Agenda: Meeting of 7/7/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and returned to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

PREPARED BY: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

June 8, 1988

Edward C. Covahay, Jr., Esq.
614 Bosley Ave.
Towson, Md. 21204

Dear Mr. Covahay:

Re: Case No. 88-172-X
James M. Sowa, et ux

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Enc.

cc: Keith Ronald, Esq.
James M. Sowa, et ux
Arnold Jablon, Esq.
Nancy West, Esq.
P. David Fields
James Howell
J. Robert Haines
Ann Nastarowicz
James Dyer
Docket Clerk

#88-172-X

9th District

E/S Southwick Dr., 160' S of c/l of Sibley Rd.
(917 Southwick Drive)

JAMES M. SOWA, ET UX

1 SIGN

W. LEE THOMAS, P.A.

ATTORNEYS AT LAW

SUITE 404

400 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

TELEPHONE (301) 206-6777

May 23, 1988

Lawrence E. Schmidt, Esquire
Baltimore County Board of Appeals
Room 200
Court House
Towson, MD 21204

Re: Case 88-172X
James M. Sowa - Petition for Special Exception

Dear Mr. Schmidt:

You will recall that in the above-referenced hearing on May 17, Mr. Covahay raised an objection to Mr. Kempke testifying as a Director of the Campus Hills Community Association. You ordered that, as a condition to hearing Mr. Kempke's testimony as a Board Member of the Association, it would be necessary to file minutes of a general membership meeting of the Association authorizing and directing Mr. Kempke to so act in compliance with the Board's rule 8(c).

Mr. Kempke has reviewed the minutes of the March, 1988 and October, 1987 general membership meetings. The sole reference in the October meeting was a sentence to the effect that Dr. Sowa's petition was discussed. No quorum was present at the Spring, 1988 meeting and the resolution moved thereafter consequently was not adopted in accordance with the Association's By-Laws.

As a result, the Association is unable to comply with Rule 8(c). We would respectfully request, however, that Mr. Kempke's testimony be received as a concerned citizen of Campus Hills.

Very truly yours,

Keith E. Ronald

KER:ff

cc: Edward C. Covahay, Jr., Esquire
Mr. C. Wayne Kempke

1/25/88 - Following notified of hear. set for Tues. May 17, 1988, at 10 a.m.

Edward Covahay, Jr., Esq.
Keith Ronald, Esq.
James and Roberta Sowa
Phyllis Friedman Esq.
P. D. Fields, J. Howell
J. R. Haines, A. Nastarowicz, J. Dyer, Doc. Clerk

88-172-X

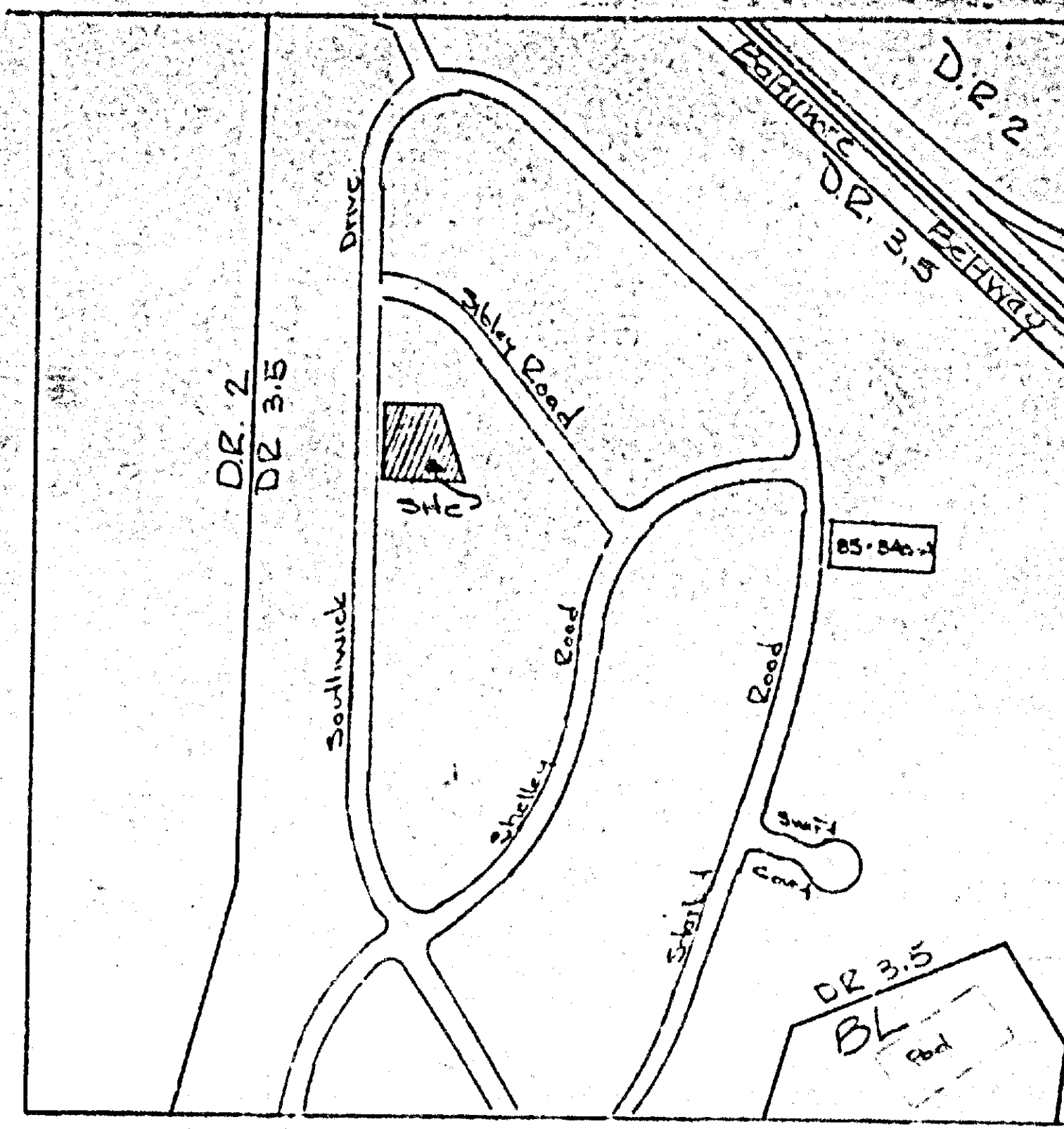
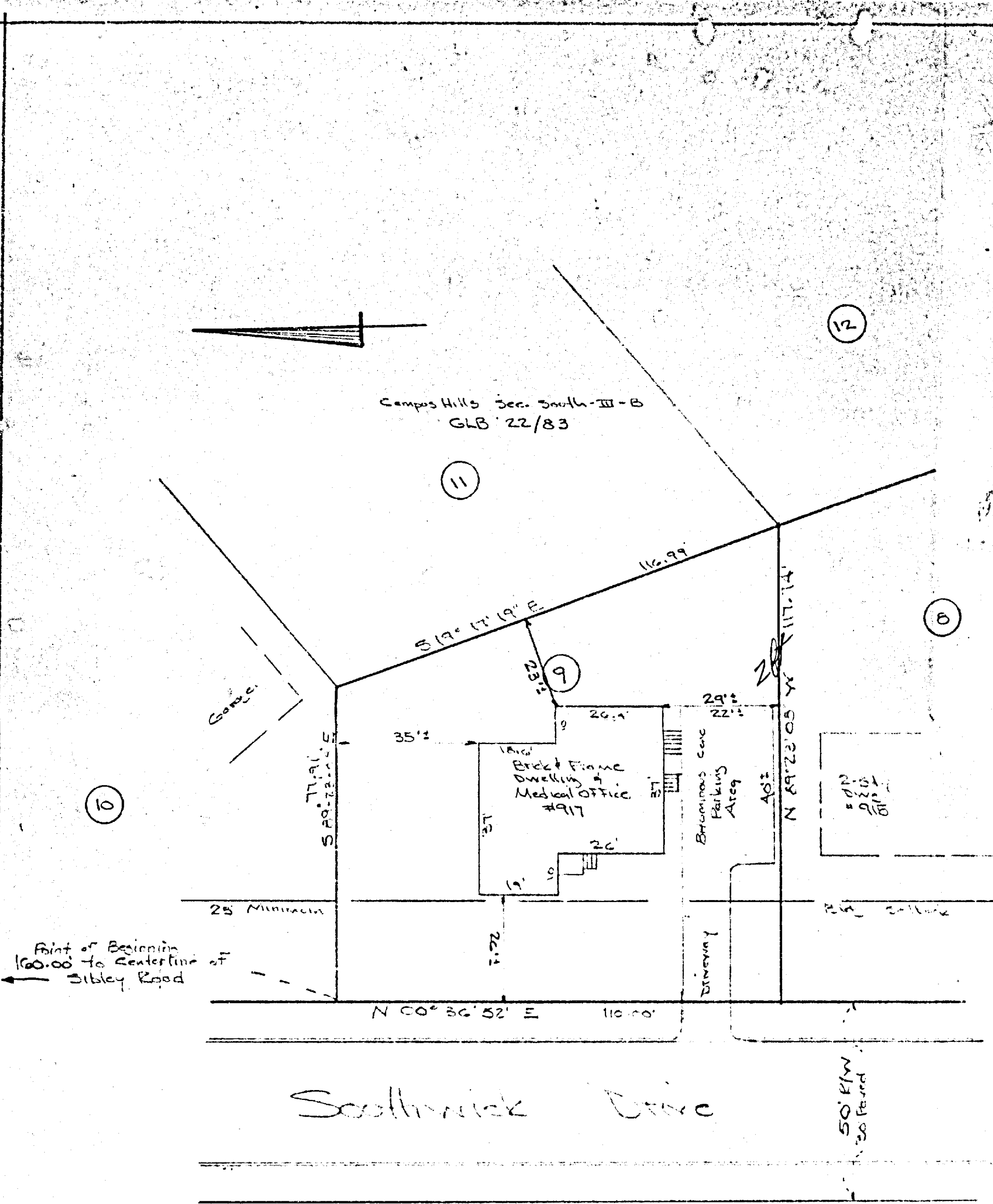
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
27th day of September, 1987.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: James M. Sowa, et ux Received by: James E. Dyer
Petitioner's Attorney: Edward C. Covahay, Jr., Esquire Chairman, Zoning Plans Advisory Committee



ZONING DATA:

Existing Zoning	DR 3.5
Proposed Zoning	DR 3.5
Existing Uses	Residential, Medical Office
Proposed Uses	Residential, Medical Office

All public utilities are available to site.

Total Plot Area: 111.5 sq ft
 % Residential Use: 77% (85.8 sq ft)
 % Medical Office Use: 23% (25.7 sq ft)
 Number of Employees: 1 non-professional

ZONING PLAT
 917 Southwick Drive
 4th Edition
 Scale: 1"=20'
 Date: 6-12-87
 Per: G-12-87 per Comments



PETITIONER:
 Dr. James M. Sowa
 917 Southwick Drive
 Towson, MD 21204
 270-8248

ATTORNEY:
 Edward G. Conway, Jr.
 Conway & Fox
 614 Bay Avenue
 Towson, MD 21204
 824-9441

PETITION
EXHIBIT
 14 13 545

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: James Dyer, Zoning Supervisor
 FROM: James Thompson, Zoning Enforcement Coordinator
 Item No.: 545 (if known)
 SUBJECT: Petitioner (if known)

Date: June 29, 1987

VIOLATION CASE # C-87-1457
 LOCATION OF VIOLATION 917 Southwick
 DEFENDANT Dr. Sowa ADDRESS 917 Southwick Dr
Towson, Md. 21204

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
 Campus Hills Comm. Assoc.
 C/O C. Wayne Kempske
 P.O. Box 9776
 Eudowood Station
 Towson, Md. 21204

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

Thank You,
 Jeffrey Laws

CPS-008

October 20, 1987
 922 Southwick Drive
 Towson, MD 21204

Dr. & Mrs. James M. Sowa:

Over the past two years your office in your home has not inconvenienced or interfered with me. I have been in and out with no problems from traffic.

The general appearance is that of any residence. I have no objection to the zoning exception to allow you to continue the home office.

Dr. & Mrs. James M. Sowa
 917 Southwick Drive
 Towson, MD 21204

709 Seabird Drive
 Baltimore, Maryland
 October 20, 1987

Members of the zoning board:
 Mr. David H. Hays
 Mr. James M. Sowa
 917 Southwick Drive
 Towson, Maryland 21204

Dear Mr. Hays:

I am writing to you regarding the zoning exception for my home office at 917 Southwick Drive. I have been in and out with no problems from traffic. The general appearance is that of any residence. I have no objection to the zoning exception to allow you to continue the home office.

Sincerely,
 Jeffrey Laws

October 19, 1987
 919 Southwick Drive
 Towson, MD 21204

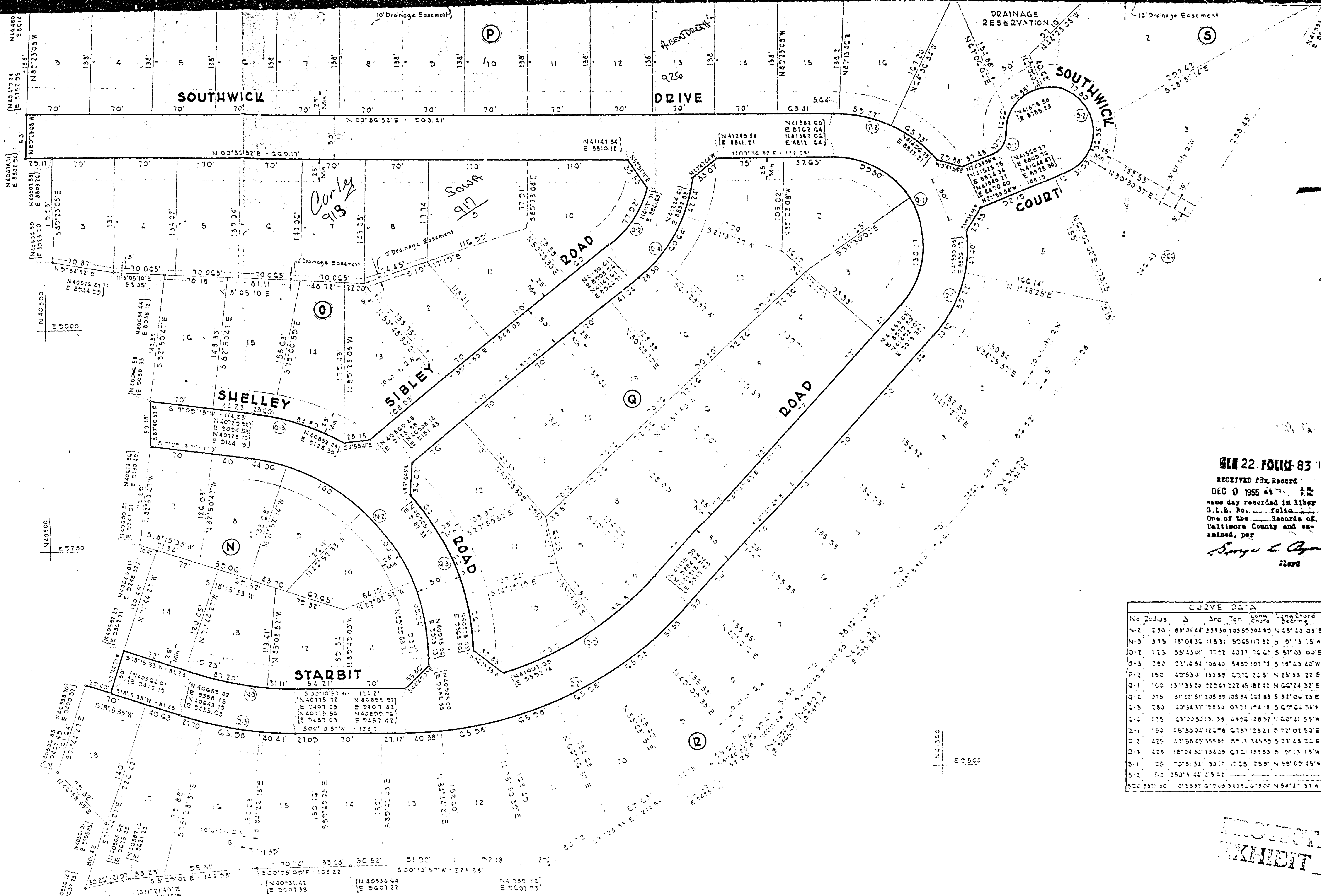
Dr. & Mrs. James Sowa:

Over the past two years your home office at 917 Southwick Drive has not inconvenienced us as adjoining property owners. The rear entrance has not interfered with our own back yard and garden.

The general appearance is well kept and landscaped and with the exception of the home office, we have no objection to your office and your zoning request for the special exception.

Sincerely,
 George Barghout

George Barghout
 919 Southwick Drive
 Towson, MD 21204



GLB 22 FOLIO 83
RECEIVED for Record
DEC 8 1955 at 1:15 PM
same day recorded in Liber
O.L.B. No. 1000
One of the Records of
Baltimore County and ex-
amined, per
Surge & Conley
2/28/56

CURVE DATA			
No	Radius	Δ	Arc Tan 280° - 320° Chord
N-2	250	85°04'46"	555.30 703.55 504.40 N 45°43'05" E
N-3	375	131°04'30"	116.31 506.11 82.5 2°13'15" W
O-2	125	35°43'01"	77.42 40.27 76.07 S 57°03'00" E
O-3	250	22°04'54"	106.43 54.87 107.72 S 18°43'45" W
P-2	150	40°53'0	133.35 67.02 126.51 N 15°33'22" E
Q-1	100	131°33'20"	210.67 227.45 187.42 N 60°24'32" E
Q-2	375	51°22'51"	205.35 105.34 227.83 S 32°00'23" E
L-3	250	43°34'37"	176.33 93.51 174.8 S 67°02'54" W
L-2	175	25°00'53'33"	66.06 28.52 60.41 S 55° W
L-1	150	48°30'04'12"08	67.57 123.22 57.22 02'50" E
R-2	425	57°58'45'35"55	150.3 345.45 S 23°45'25" E
R-3	425	18°04'50'13"00	67.01 133.33 S 0°13'15" W
S-1	25	70°31'34"	30.17 17.08 26.85 N 58°00'45" W
S-2	50	250°3'42'09"02	
S-2C	3571.30	10°53'31"	67.05 343.50 19.04 N 54°21'31" W

PROTESTANT'S
EXHIBIT 4

GLB 22 FOLIO 83
No. 1000

APPROVED
Baltimore County Health Department
William N. J. White, Jr.
Deputy State and County Health Officer
Date 12-7-55

Coordinates shown are extensions made from
Baltimore City coordinates as established by
Baltimore City Topographical Commission.
Bearings refer to true north Baltimore, and are
based on Baltimore County Metropolitan Dis-
trict control points 7042 and
7043.

ENGINEERS
Whitman Requardt & Associates
2 West Preston Street
Baltimore 1, Maryland
Roy H. Ziller
Registered Land Surveyor
No. 333

OWNER'S CERTIFICATE
Certification is hereby made that the requirements of the
annotated code of Maryland, chapter 1716, Act of 1945, have
been complied with on this plat.
Arthur V. Sanzo
(Vice-President)

The streets or roads as shown hereon are for the purpose of descrip-
tion only and the same are not intended to be dedicated to public use;
the fee simple title to the beds thereof is especially reserved in the
owner.
Approved Baltimore County Planning Board
By: *Robert J. Conley* Date: *12-14-55*
Approved Baltimore County Highways Department
By: *Robert J. Conley* Date: *12-14-55*

CAMPUS HILLS SEC. SOUTH - III - B
ELECTION DISTRICT No. 3
BALTIMORE COUNTY, MARYLAND
NOVEMBER 14, 1955
SCALE: 1"=50'